

0.196 gram, of the alkaloids of nux vomica per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be tincture of nux vomica that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not tincture of nux vomica that conformed to the standard laid down in said pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Tincture Nux Vomica U. S. P. * * * Standard-100 mls. contains 0.237-0.263 gm. Alkaloids", borne on the bottle labels, was false and misleading in that it represented that 100 cubic centimeters of the article contained 0.237 gram of the alkaloids of nux vomica, and that the article was tincture of nux vomica that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact 100 cubic centimeters of the article contained the alkaloids of nux vomica in a quantity less than 0.237 gram, and the article was not tincture of nux vomica which conformed to the standard laid down in said pharmacopoeia.

On March 15, 1937, a plea of guilty was entered by the defendant corporation and the court imposed a fine of \$100.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27132. Adulteration and misbranding of Compressed Tablets Ac-Ne-O. U. S. v. Latimer H. Studebaker. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. no. 37955. Sample nos. 23859-B, 52077-B.)

This product contained a smaller quantity of arsenous acid than that stated on the label.

On October 20, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Latimer H. Studebaker, Erie, Pa., charging shipment by said defendant in violation of the Food and Drugs Act, on or about June 24 and December 24, 1935, from the State of Pennsylvania into the State of New York of quantities of Compressed Tablets Ac-Ne-O that were adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1/50 of a grain of arsenous acid; whereas in fact each of the tablets contained not more than 1/100 of a grain of arsenous acid.

It was alleged to be misbranded in that the statement "Tablets * * * Ac. Arsenous 1-50 gr.", borne on the label, was false and misleading in that it represented that each of the tablets contained 1/50 of a grain of arsenous acid; whereas in fact each of the tablets contained less than 1/50 of a grain of arsenous acid.

On March 15, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of \$5 and costs.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27133. Adulteration and misbranding of Per-Gum Pyorrhea Prescription. U. S. v. Charles B. McFerrin (Dr. Charles B. McFerrin). Plea of nolo contendere. Fine, \$25. (F. & D. no. 37995. Sample no. 49270-B.)

The label of this article bore fraudulent representations regarding its curative and therapeutic effects, and misrepresentations regarding its germicidal and antiseptic properties.

On December 17, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles B. McFerrin, trading as Dr. Charles B. McFerrin, Orlando, Fla., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1935, from the State of Florida into the State of Oklahoma of a quantity of Per-Gum Pyorrhea Prescription that was adulterated and misbranded.

Analysis of the article showed that it was a pinkish, slightly fluorescent petroleum oil containing small quantities of salicylic acid and methyl salicylate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide and an antiseptic when used as directed; whereas in fact it was not a germicide nor was it an antiseptic when used as directed.

The article was alleged to be misbranded in that statements borne on the bottle label falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for spongy, tender, and bleeding gums; effective to preserve the teeth, to restore the gums to perfect condition, to kill germs, to tighten loose teeth, and to stop infection. It was alleged to be misbranded further in that the statements, borne on the bottle labels, "kills germs" and "An Effective Germicide and Antiseptic", were false and misleading in that they represented that the article would kill germs, and that it was a germicide and an antiseptic when used as directed; whereas in fact it would not kill germs, and it was not a germicide nor an antiseptic when used as directed.

On March 15, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27134. Misbranding of Tablet as Marca Vida Para Los Ninos. U. S. v. Mexican Medicine Co., Inc., and William G. Logan. Pleas of nolo contendere. Judgment of guilty. Fines, \$100. (F. & D. no. 38019. Sample no. 34628-B.)

The labeling of this article bore false and fraudulent representations regarding its curative and therapeutic effects.

On February 4, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mexican Medicine Co., a corporation, and William G. Logan, Los Angeles, Calif., charging that said defendants, on or about October 29, 1935, sold and delivered to the Brunswick Drug Co., Los Angeles, Calif., a quantity of Tablet as Marca Vida Para Los Ninos under and with a written guaranty to the effect that the article complied with the Food and Drugs Act as amended; that it was misbranded under the Food and Drugs Act as amended; and that said Brunswick Drug Co., on or about November 20, 1935, shipped a quantity of the article so misbranded from the State of California into the State of Arizona.

Analysis of the article showed that it consisted essentially of compounds of bismuth, calcium, sodium, potassium, carbonates, nitrates, extracts of plant drugs including emodin, and starch.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the label of the containers and on the cartons enclosing the same, and contained in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective as a soothing medicine; effective as a cure for colic, diarrhea, dysentery, green evacuations, cholera infantum, indigestion, diseases of dentition, acid stomach, fever, intermittent fevers, restlessness, vomiting, green stools, summer complaint, teething sickness, chronic constipation in infants or young children; effective as a treatment, remedy, and cure for stomach and bowel trouble and for fever in children; effective to remove poisonous matter from the stomach and bowels, to relieve irritation, assist digestion, promote rest and sleep, stimulate the liver, relieve pain and fever, cleanse the stomach, to calm restless, nervous, and excitable children, and give them quiet and restful sleep; effective to prevent ill results from exposure to cold and damp, to prevent contagion in children who have been exposed to such contagious diseases as scarlet fever, measles, whooping cough, and diphtheria; and effective to increase weight in children.

On March 22, 1937, the defendants having entered pleas of nolo contendere, and the case having been heard before the court, judgment of guilty was entered as to both defendants and the court imposed a fine of \$50 on each.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27135. Misbranding of Ferretone Eye Lotion and Bacon's Ferretone Tonic. U. S. v. Max E. Bacon (The Ferretone Co.). Plea of guilty. Fine, \$1 and costs. (F. & D. no. 38036. Sample nos. 68065-B, 68066-B.)

The labeling of both products contained false and fraudulent curative and therapeutic claims.